

DECISION

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**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-195002

DATE May 27, 1980

MATTER OF: [Reimbursement of Personal Expenditures
by Military Member] for Authorized Purchases

DIGEST: Air Force Sergeant used his funds, without advance authorization, to buy supplies for the Government. Generally, when an employee expends his own funds in what he judges to be the interest of the Government, no legal liability of the Government to reimburse him is created, except in case of expenditures in the Government's interest in urgent and unforeseen emergencies. This case, in which Government property could have been lost and the mission uncompleted had the expenditures not been made, falls within the exception and the Sergeant may be reimbursed.

The Accounting and Finance Officer, Griffiss Air Force Base, has requested an advance decision on whether he may certify for payment to Sergeant Michael E. Curlee a voucher for \$72.20. The voucher represents reimbursement to Sergeant Curlee for expenditures from his personal funds to purchase equipment for official Air Force purposes. The voucher may be certified for payment if otherwise proper.

The total of \$72.20 includes 4 purchases: 2 liquid pumps in December 1977 for \$29.90; a pump and tubing in April 1978 for \$6.50; 2 locks in May 1978 for \$15.00; and 4 locks in June 1978 for \$12.80. In addition, the total includes \$8.00 in March 1978 as a fee to redeem two rectifier cards from Italian customs. All expenditures apparently took place during installation of an Air Force project called "Digital European Backbone (DEB) Phase 1." Sergeant Curlee explains the purposes as follows:

"1. Two liquid suction pumps were required to transfer sulfuric acid from the storage barrel to the batteries. An unsuccessful attempt was made to acquire these pumps through appropriate channels at Griffiss AFB. The pumps

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needed were located in Boston, MA. Using an authorized AF Form 15, Control Number 08-1-24, an attempt was made to purchase these pumps. The vendor would not accept the Form 15. Monies were paid out-of-pocket for the pumps because of their absolute necessity in accomplishing the mission. Without the pumps the acid could not be safely transferred, and the batteries would not have held an appropriate charge.

"2. After using the two liquid suction pumps on one job, the acid corroded the pumps so badly they were no longer serviceable. An idea was conceived to use one bicycle pump and rubber hoses to transfer the acid. The pump and hoses were purchased and used for seven more transfers, three schemes and clearing four exceptions. The need for the new pump was apparent due to the inoperability of the previously purchased pumps.

"3. Three footlockers and one tool box were used by the team at Mount Cimone. Due to a lack of adequate storage facilities at the site, the equipment had to be stored in a tunnel at the base of the mountain. The tunnel was not weatherproof and the padlocks used to secure the equipment rusted due to exposure to the weather. When the boxes were to be shipped back to Griffiss, officials at the MAC terminal in Aviano instructed the team that the rusted locks on the boxes would have to be replaced by workable ones before shipment. The team had approximately one hour to replace the locks before shipment. Local procurement through Aviano was unsuccessfully attempted, so the locks had to be purchased with personal funds.

"4. At Ceggia the batteries could not be filled until the rectifiers were operative. Without the rectifiers to put an appropriate charge on the batteries, the sulfuric acid would destroy the lead battery plates in approximately 72 hours. The team was instructed by the DEB project office to travel to Trieste and pick up rectifier circuit cards that were needed to repair the rectifiers. Personal funds had to be used to pay for the cards due to the nonacceptability of AF Fm 15. The team was informed by the Traffic Management Office,

customs division, that receipts for the expenditure were not necessary since the purchase was under \$15.00. Instructions were to claim this money on the travel voucher. It was done, but to no avail.

"5. At Mount Serra two heavy padlocks had to be purchased for the equipment van and gate of the site in which the van was kept. The keys to the old locks were misplaced and the team did not have access to their tools; therefore a work stoppage was put into effect. The DEB project office instructed the team to cut the old locks off and purchase new ones. The action to cut the locks was considered to be cost effective since there were three men on full per diem with no tools to work with. New locks had to be purchased to prevent the tools from being stolen while being stored."

Air Force Form 15, referred to by Sergeant Curlee is

"a USAF Invoice used to purchase authorized supplies and services necessary to complete a mission when distance precludes support from U.S. Government facilities." Air Force Regulation 67-24, para. 1 (1976).

The record includes a statement by the Deputy Commander for Installations of Sergeant Curlee's group, indicating that Sergeant Curlee was authorized to use the Air Force Form 15.

We have generally held that (except for certain personal services such as duly authorized travel expenses) payments for goods or supplies must be made directly to a public creditor by an authorized disbursing officer, and that no officer or employee of the Government can create a valid claim in his favor by paying from his own funds obligations of the United States which he - the volunteer - is neither legally required nor authorized to pay. B-129004, September 6, 1956. We have recognized an exception in the case of personal expenditures "in the Government's interest under urgent and unforeseen emergencies." 33 Comp. Gen. 20 (1953).

We are satisfied that all the expenditures here were in the interest of the Government, were in response to urgent and unforeseen emergencies, and were necessary to preserve the Government's property interest in what has been described as a "vital communication link." A statement in the record from Sergeant Curlee's superior confirms in general his account,

quoted above. It is clear in each instance that if he had not made the expenditures, the Project would have been impeded. For example, the Non-Commissioned Officer in Charge of the Project says that:

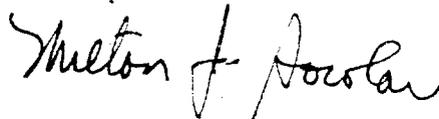
"Any delays * * * would have created an unacceptable slippage in the subsequent test and acceptance phase and could have led to delay in cut-over of this vital communication link.

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"* * * The [rectifier] cards were required so that power could be applied to the microwave radio equipment * * *. A test and acceptance team was already on site in a work stoppage situation because of lack of these cards."

Of course, when an employee expends his own funds in what he judges to be the interest of the Government, he does so at his own risk; no legal liability of the Government is created unless the Government ratifies his action as falling within the exception stated above and agrees to reimburse him. However, it would be shortsighted indeed not to recognize that this kind of initiative by the employee in an emergency is very valuable and, when it results in preserving a Government property interest, the employee should not be penalized through denial of reimbursement.

In this case, the Air Force was free to decide that, had it been given the opportunity, it would not have authorized the purchases in advance. However, it appears that Project officials who could have authorized these purchases in advance now agree that they were proper and necessary and that the amounts are reasonable. The voucher, which will be returned to the certifying officer with a copy of this decision, may therefore be certified for payment, if otherwise proper.



For the Comptroller General
of the United States